

**JOINT
PUBLIC NOTICE**

RECEIVED

DEC 2 2005

**CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
Charleston, South Carolina 29403-5107**

and the

**S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405**

DHEC-OCRM

BEAUFORT OFFICE

REGULATORY DIVISION

Refer to: P/N #2005-1W-353-P

2 DECEMBER 2005

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1344), and the South Carolina Coastal Zone Management Act (48-39-10 et seq.) an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

**JARVIS CREEK DEVELOPMENT CO., LLC
c/o SLIGH ENVIRONMENTAL CONSULTANTS, INC.
31 PARK OF COMMERCE WAY, SUITE 200B
SAVANNAH, GEORGIA 31405**

for a permit to place fill material in freshwater and tidal

JURISDICTIONAL WETLANDS

at several locations on Owens Drive, Town of Hilton Head, Beaufort County, South Carolina (Latitude 32.20931°, Longitude 80.74614°)

In order to give all interested parties an opportunity to express their views

NOTICE

is hereby given that written statements regarding the proposed work will be received by both of the above mentioned offices until

12 O'CLOCK NOON, TUESDAY, 3 JANUARY 2006

from those interested in the activity and whose interests may be affected by the proposed work.

The proposed work consists of constructing a new access for a proposed subdivision on a 11.047 acre tract located south of the marshes of Jarvis Creek and east of Spanish Wells Road on Hilton Head Island. This new project will require the placement of 183 cubic yards of fill material in 0.076 acres of jurisdictional wetlands to create a new access to the project site on Owens Drive as requested, according to the applicant, by the Town of Hilton Head. The existing easement extends from Spanish Wells Road and is in close proximity to the marshes of Jarvis Creek. The new easement will extend from Summerfield Road along Owens Drive to the development. The applicant is proposing on-site wetland restoration and creation to mitigate for the project impacts.

REGULATORY DIVISION
Refer to: P/N #2005-1W-353-P

2 DECEMBER 2005

NOTE: Plans depicting the work described in this notice are available and will be provided, upon receipt of a written request, to anyone that is interested in obtaining a copy of the plans for the specific project. The request must identify the project of interest by public notice number and a self-addressed stamped envelope must also be provided for mailing the drawings to you. Your request for drawings should be addressed to the

U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
69A Hagood Avenue
Charleston, South Carolina 29403-5107.

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the South Carolina Department of Health and Environmental Control in accordance with provisions of Section 401 of the Clean Water Act. As such, this notice constitutes a request, on behalf of the applicant, for certification that this project will comply with applicable effluent limitations and water quality standards. The work shown on this application must also be certified as consistent with applicable provisions the Coastal Zone Management Program (15 CFR 930). The District Engineer will not process this application to a conclusion until such certifications are received. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would impact 0.076 acres of estuarine substrates and emergent wetlands utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. Our initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

The District Engineer has consulted the most recently available information and has determined that the project will have no effect on any Federally endangered, threatened, or proposed species and will not result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for any additional information they may have on whether any listed or proposed endangered or threatened species or designated or proposed critical habitat may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended).

The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently unknown archaeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

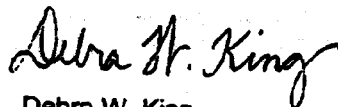
2 DECEMBER 2005

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b) of the Clean Water Act and, as appropriate, the criteria established under authority of Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest. In cases of conflicting property rights, the Corps of Engineers cannot undertake to adjudicate rival claims.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

If there are any questions concerning this public notice, please contact me at 843-329-8044 or toll free at 1-866-329-8187.



Debra W. King
Project Manager
Regulatory Division
U.S. Army Corps of Engineers

Project Description
Jarvis Creek Subdivision
Hilton Head Island, South Carolina
4 October 2005
Revised 18 November 2005

INTRODUCTION:

Jarvis Creek Development Co., LLC. is proposing the construction of a residential development on an approximately ten acre tract located south of the marshes of Jarvis Creek and east of Spanish Wells Road on Hilton Head Island, South Carolina.

EXISTING SITE CONDITIONS:

A wetland delineation was completed within the project site and verified by the U.S. Army Corps of Engineers (USACE) in the letter dated 30 July 2004 (SAC 81-2004-1018). Since that time and at the request of the Town of Hilton Head, the site access easement for the proposed development has been relocated to Owens Drive. A delineation of the new access easement has been completed and verified by the South Carolina Department of Health and Environmental Control - Office of Ocean and Coastal Resource Management. A request for jurisdictional determination has been submitted to the USACE for review and approval.

The project site is composed of wetland and upland habitats which are typical for Hilton Head Island and the Coastal Plain of South Carolina. The majority of the proposed development area consists of upland only with one small man made tidal pond. The access easement contains a small area of freshwater wetland and two tidal ditches.

Upland Area:

The upland habitat is dominated in the overstory by loblolly pine (*Pinus taeda*), live oak (*Quercus virginiana*), water oak (*Quercus nigra*), and sweet gum (*Liquidambar styraciflua*). The shrub and herbaceous species includes wax myrtle (*Myrica cerifera*), sparkle berry (*Vaccinium arboreum*), beauty berry (*Callicarpa americana*), coast pepperbush (*Clethra alnifolia*), feuer bush (*Lyonia lucida*), gall berry (*Ilex glabra*), bracken fern (*Pteridium aquilinum*), cinnamon fern (*Osmunda cinnamomea*), and saw palmetto (*Serenoa repens*).

Freshwater Wetland:

The only freshwater wetland present within the project area is located adjacent to Owens Drive. The wetland area is located within an abandoned field and contains herbaceous vegetation only. Dominant vegetation includes dog fennel (*Eupatorium capillifolium*), broomsedge (*Andropogon virginicus*), soft rush (*Juncus effusus*) and pennywort (*Hydrocotyle spp.*). It appears that this area has been historically mowed and maintained as open field.

Tidal Pond:

The project site contains a man made open water pond connected to Jarvis Creek via a ditch. This pond contains a deep open water habitat with a small amount of needle rush (*Juncus roemerianus*), and cord grass (*Spartina alterniflora*).

Tidal Ditch:

As indicated above, the access easement contains two tidal ditches. One ditch is located adjacent to Owens Drive and is maintained on a regular basis. The second ditch is located near the marshes of Jarvis Creek and contains a variety of species including sea oxeye (*Borrchia arborescens*), needle rush, and cord grass.

PROPOSED SITE PLAN:

As indicated in the attached exhibits, the applicant is proposing to avoid all jurisdictional areas during construction of residential lots. Although no impacts are required for the major portion of the development, impacts to both freshwater and tidal wetland areas will be necessary during access road improvements. As indicated above, the Town of Hilton Head requested that the applicant relocate an existing access easement which historically extended

from Spanish Wells Road and provided access to the project site. This change was requested by the Town due to the proximity of the easement to the marshes of Jarvis Creek. Over the past year, the applicant and adjacent land owners have been working to establish a new access easement which extends from Summerfield Road along Owens Drive to the development area.

Owens Drive currently consists of a dirt road approximately 12 to 15 feet wide. Since the existing road does not meet current Town of Hilton Head standards for accessing the proposed residential development, the applicant is required to improve Owens Drive. The proposed improvements include construction of two lane road 22 feet in width with asphalt paving, standard crown, and four foot shoulders. All culvert/pipe crossings currently located within the road corridor will be maintained to ensure adequate hydrologic connectivity following completion of the road improvements.

The impacts required for the road improvements totals 0.025 acre of freshwater wetland (old field) and 0.025 acre of tidal ditch. In addition to Owens Drive improvements, 0.025 acre of tidal ditch impact is required during installation of a new culvert crossing at the subdivision entrance. The existing culvert crossing located downstream and adjacent to the marshes of Jarvis Creek will be removed immediately following installation of the new culvert. Total project related impacts include 0.051 acre of tidal impact and 0.025 acre of jurisdictional freshwater herbaceous wetland area impact.

ALTERNATIVES ANALYSIS:

The project site is bordered to the south by Cross Islands Expressway, to the north and west by existing residential development, and to the east by Jarvis Creek and adjacent marshes. Due to these physical constraints, only two site access corridors are available (see attached exhibit).

"Alternative 1", which was originally pursued by the applicant, included using the existing access easement which extends from Spanish Wells Road south along Owens Road. Although this was the preferred alternative, both the Town of Hilton Head and adjacent property owners objected to this corridor. The Town objected because the existing road is located immediately adjacent to the Marshes of Jarvis Creek and improvements necessary to meet subdivision road standards would require encroachment into the critical area buffer and in a few locations the marsh itself. The adjacent owners objected because avoidance of marsh and buffer areas would require construction of a new road much closer to existing homes.

Due to the concerns expressed by both parties, the applicant, working with the Town and adjacent property owners, developed "Alternative 2". This alternative includes improving Owens Drive from Summerfield Court east to the site. Although this was not the applicant's preferred access corridor, this alignment requires impacts to ditch and herbaceous wetland only and avoids impacting the buffer and undisturbed marshes of Jarvis Creek. In addition, improvements to the existing road and the new right-of-way will be located a suitable distance from the existing residential homes.

COMPENSATORY MITIGATION:

As compensatory mitigation for the proposed wetland impacts, the applicant is proposing on-site wetland creation and wetland restoration. As indicated above, all of the wetland area, both freshwater and tidal, contains herbaceous vegetation only. Thus, the applicant is proposing the creation of 0.026 acre of freshwater littoral shelf and 0.052 acre of tidal littoral shelf. The freshwater wetland creation will be constructed along the edge of a freshwater lagoon proposed within the development area and this site will be planted with species such as southern blue flag (*Iris shrevei*), blue flag (*Iris versicolor*), yellow flag (*Iris pseudacorus*), soft rush (*Juncus effusus*), and pickereel weed (*Pontederia cordata*). The tidal wetland area will be constructed along the edge of the existing tidal pond located within the project site and will be planted with species including needle rush and cord grass. In addition to tidal wetland creation, the applicant will remove an existing culvert crossing (approximately 0.01 acre) from within the tidal ditch adjacent to the marsh of Jarvis Creek and allow this area to naturally regenerate. Following construction and planting of the mitigation areas, the applicant will prepare a report documenting the completion of the mitigation activities. Attached is a site plan depicting the proposed mitigation areas.

THREATENED AND ENDANGERED SPECIES:

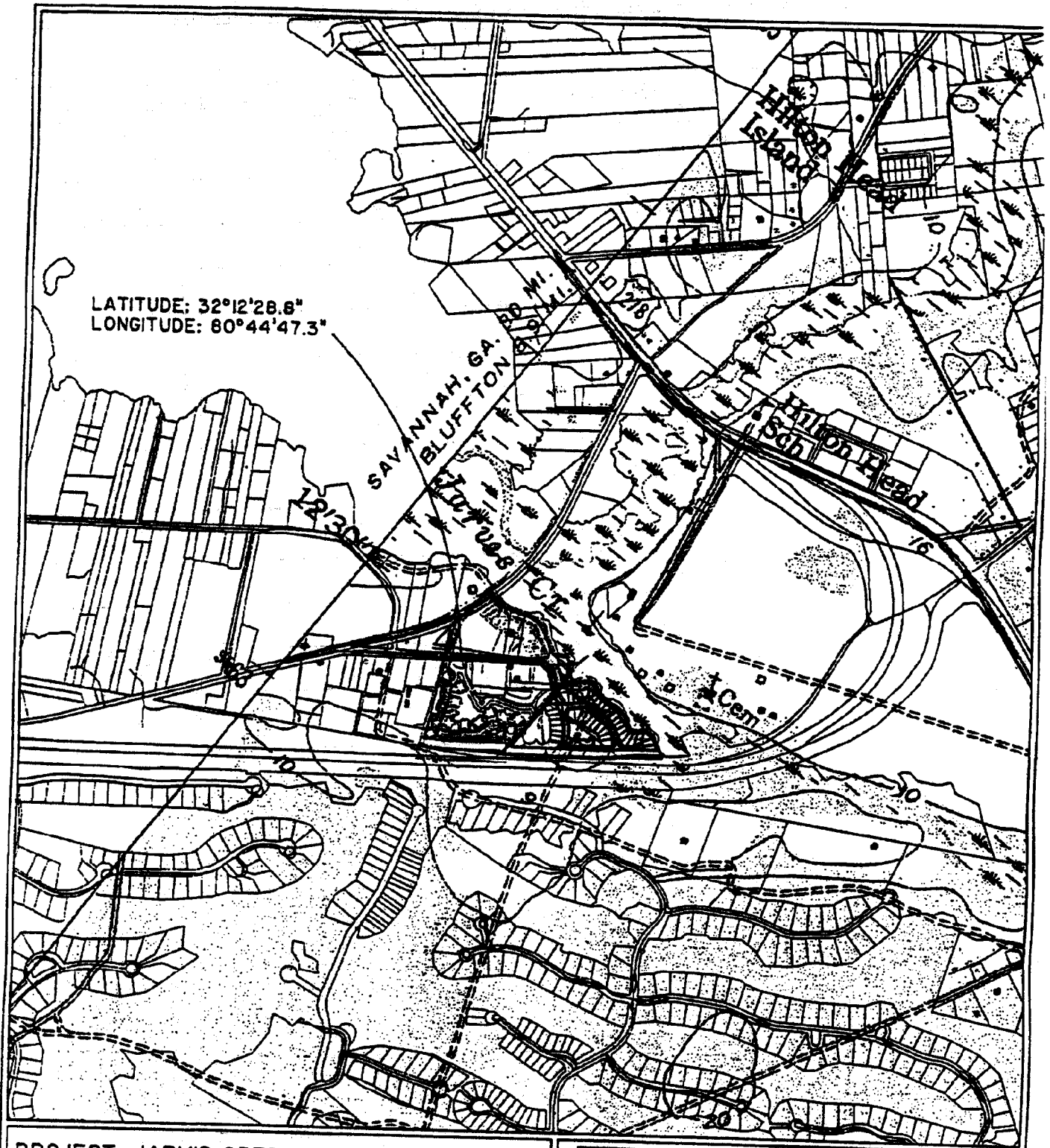
Sligh Environmental Consultants, Inc. completed a threatened and endangered species survey for the entire project area. Due to the lack of suitable habitat and lack of evidence of any threatened and/or endangered species, the proposed project will not impact any individual or population of any threatened or endangered species. In addition to the on-site pedestrian survey, a review of the South Carolina Department of Natural Resources Rare, Threatened & Endangered Species Inventory for the Hilton Head Quadrangle indicates that no known species have been identified on or within the vicinity of the project site.

CULTURAL RESOURCES:

A comprehensive cultural resources survey has been conducted by Chicora Foundation, Inc. As indicated in the attached report, the proposed project will not impact any historic or cultural resource sites.

CONCLUSION:

Jarvis Creek Development Co., LLC. is proposing the construction of a residential development on a ten acre tract. The proposed project requires 0.076 acre of jurisdictional area impact. As mitigation for the proposed project, the applicant has proposed a compensatory mitigation plan which totals 0.088 acre and includes a combination of wetland creation and restoration. The applicant has avoided and minimized wetland impacts to the greatest extent practicable and all development activities will be performed using best management practices (silt fencing, grassed slopes, etc.) to further avoid impacts to all preserved wetland and upland buffer areas present within the project area. In addition and as stated above, all proposed road crossings will contain adequate culverts to maintain the current hydrologic flow and connectivity between wetland areas.



LATITUDE: 32°12'28.8"
LONGITUDE: 80°44'47.3"

PROJECT: JARVIS CREEK SUBDIVISION

PROPOSED-ACTIVITY: RESIDENTIAL DEVELOPMENT

CLIENT: JARVIS CREEK PROPERTY DEVELOPMENT COMPANY

DATE: 9/28/05

SHEET: 10F 7

LOCATION: HILTON HEAD ISLAND S.C. SCALE: 1"=1000'



2005-1W-353-P

THOMAS & HUTTON ENGINEERING CO.

50 PARK OF COMMERCE WAY

POST OFFICE BOX 2727

SAVANNAH, GA. 31402-2727 (912)234-5300

CHARLESTON, SC • MYRTLE BEACH, SC

AREA TABLE

| DESCRIPTION | SQUARE FOOTAGE | AREA (AC.) |
|----------------------|----------------|------------|
| PROJECT AREA | 550,318 | 12.63 |
| SALT MARSH F | 58,311 | 1.34 |
| TIDAL WETLAND E | 20,960 | 0.48 |
| TIDAL DITCH B | 1,119 | 0.03 |
| TIDAL DITCH C | 8 | 0.0002 |
| TIDAL DITCH D | 1,124 | 0.03 |
| TOTAL TIDAL | 81,522 | 1.87 |
| FRESHWATER WETLAND A | 1,080 | 0.025 |
| HIGHGROUND A | 425,125 | 9.76 |
| HIGHGROUND B | 224 | 0.005 |
| HIGHGROUND C | 42,349 | 0.97 |
| HIGHGROUND D | 17 | 0.0004 |
| TOTAL HIGHGROUND | 467,715 | 10.74 |

TOTAL IMPACTS

| DESCRIPTION | SQUARE FOOTAGE | AREA (AC.) |
|----------------------|----------------|------------|
| FRESHWATER WETLAND A | 1,080 | 0.025 |
| TIDAL DITCH B | 1,119 | 0.03 |
| TIDAL DITCH C | 8 | 0.0002 |
| TIDAL DITCH D | 1,124 | 0.03 |
| TOTAL IMPACTS | 3,331 SQ. FT. | 0.0765 AC. |

PROJECT: JARVIS CREEK SUBDIVISION

PROPOSED-ACTIVITY RESIDENTIAL DEVELOPMENT

CLIENT: JARVIS CREEK PROPERTY DEVELOPMENT COMPANY

DATE: 9/28/05

SHEET: 20F ?

LOCATION: HILTON HEAD ISLAND S.C. SCALE: NTS



2005-1W-353-P

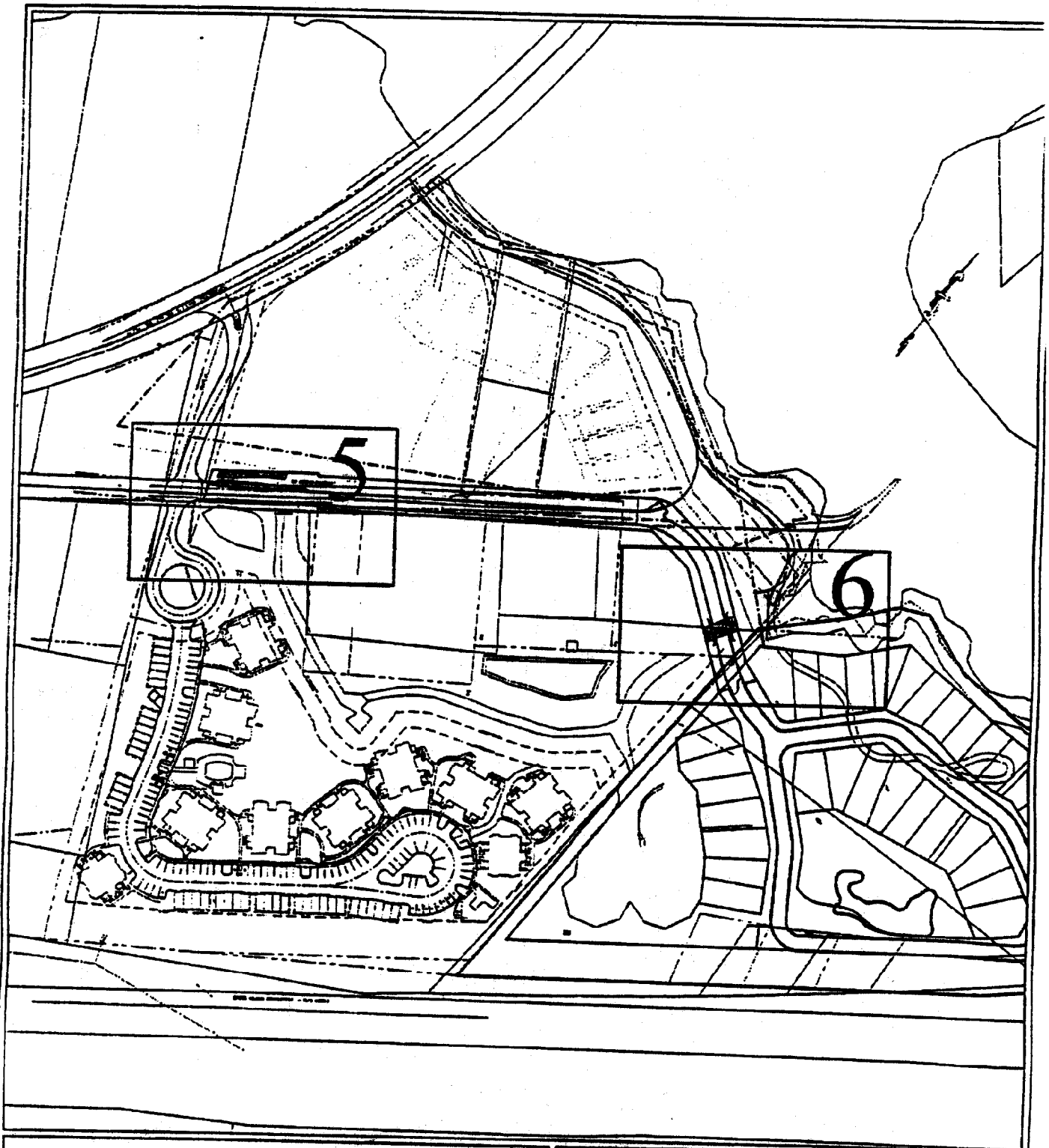
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PROJECT: JARVIS CREEK SUBDIVISION

PROPOSED-ACTIVITY RESIDENTIAL DEVELOPMENT

CLIENT: JARVIS CREEK PROPERTY DEVELOPMENT COMPANY

DATE: 9/28/05

SHEET: 30F 1

LOCATION: HILTON HEAD ISLAND S.C. SCALE: 1"=200'



2005-1W-353-P

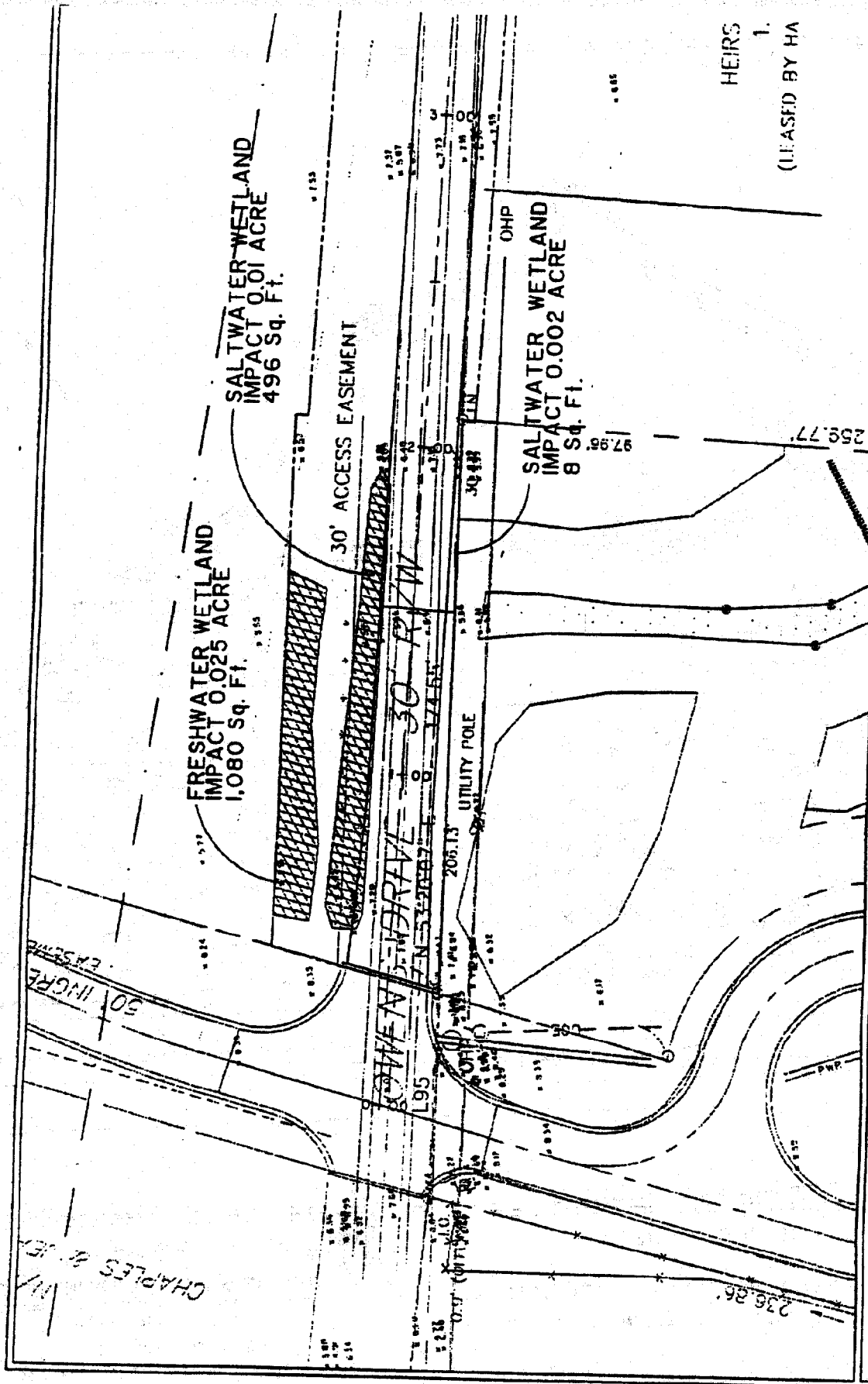
THOMAS & HUTTON ENGINEERING CO.

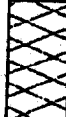
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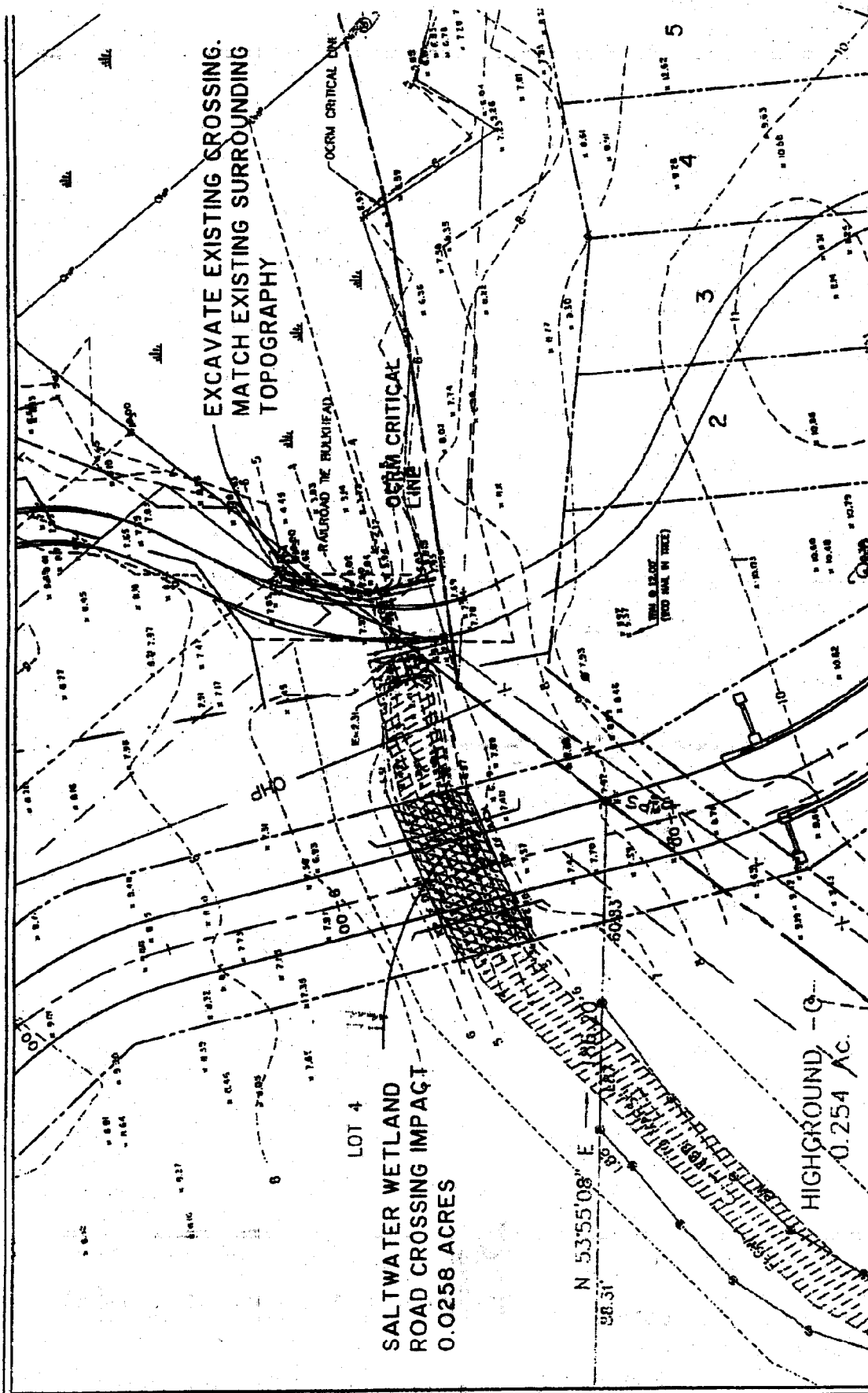
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CHARLESTON, SC • MYRTLE BEACH, SC



| | | |
|--|---|--|
| <p>PROJECT: JARVIS CREEK SUBDIVISION</p> <p>PROPOSED-ACTIVITY RESIDENTIAL DEVELOPMENT</p> <p>CLIENT: JARVIS CREEK PROPERTY DEVELOPMENT CO.</p> <p>DATE: 9/28/05</p> <p>LOCATION: HILTON HEAD ISLAND, S.C. SCALE: 1"=40'</p> | <p>TH</p> <p>2005-1W-353-P</p> <p>THOMAS & HUTTON ENGINEERING CO.</p> <p>50 PARK OF COMMERCE WAY</p> <p>POST OFFICE BOX 2727</p> <p>SAVANNAH, GA. 31402-2727 (912)234-5300</p> <p>CHARLESTON, SC • MYRTLE BEACH, SC</p> | <p> WETLAND IMPACT</p> |
|--|---|--|

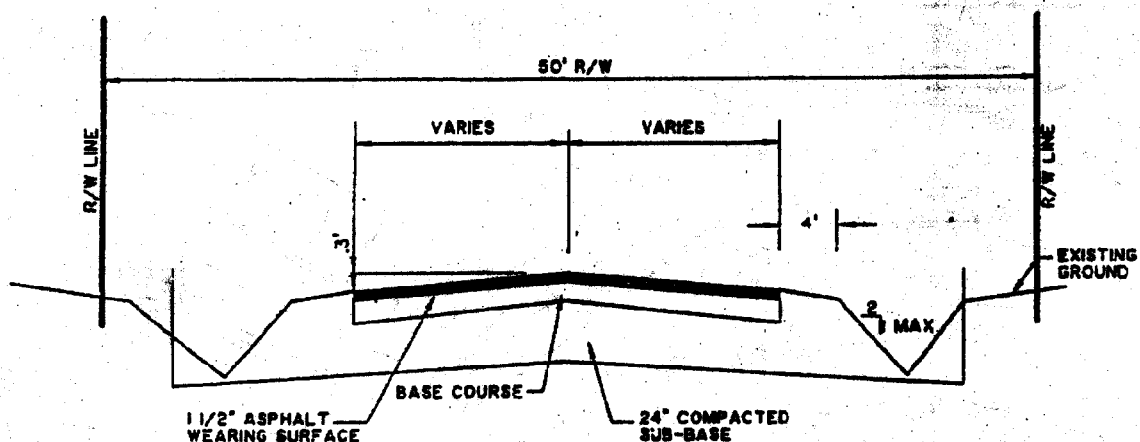


WETLAND IMPACT

2005-1W-353-P
THOMAS & HUTTON ENGINEERING CO.
 50 PARK OF COMMERCE WAY
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 CHARLESTON, SC • MYRTLE BEACH, SC

PROJECT: JARVIS CREEK SUBDIVISION
PROPOSED-ACTIVITY RESIDENTIAL DEVELOPMENT
CLIENT: JARVIS CREEK PROPERTY DEVELOPMENT CO.
 DATE: 9/28/05
 LOCATION: HILTON HEAD ISLAND, S.C. SCALE: 1"=50'

SHEET: 577



STANDARD ROADSIDE SWALES

NOT TO SCALE

PROJECT: JARVIS CREEK SUBDIVISION

PROPOSED-ACTIVITY RESIDENTIAL DEVELOPMENT

CLIENT: JARVIS CREEK PROPERTY DEVELOPMENT COMPANY

DATE: 9/28/05

SHEET:

LOCATION: HILTON HEAD ISLAND S.C. SCALE: NTS



2005-1W-353-P

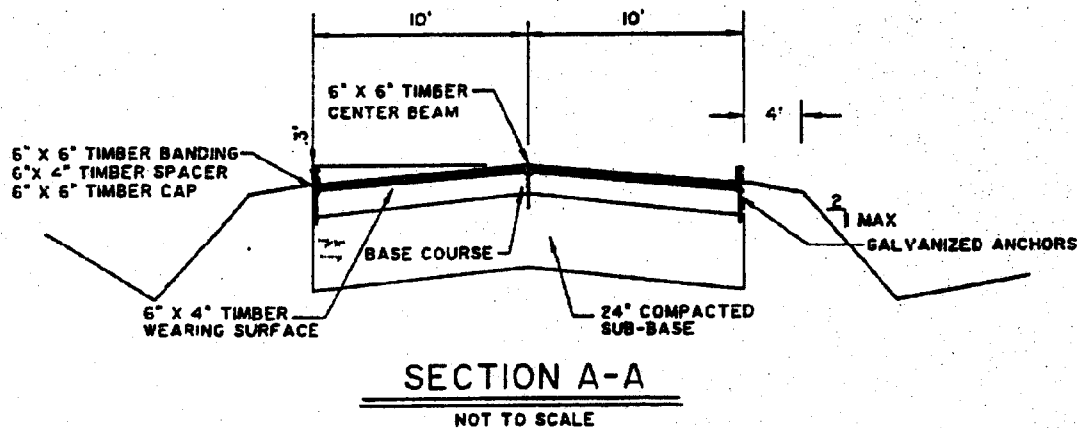
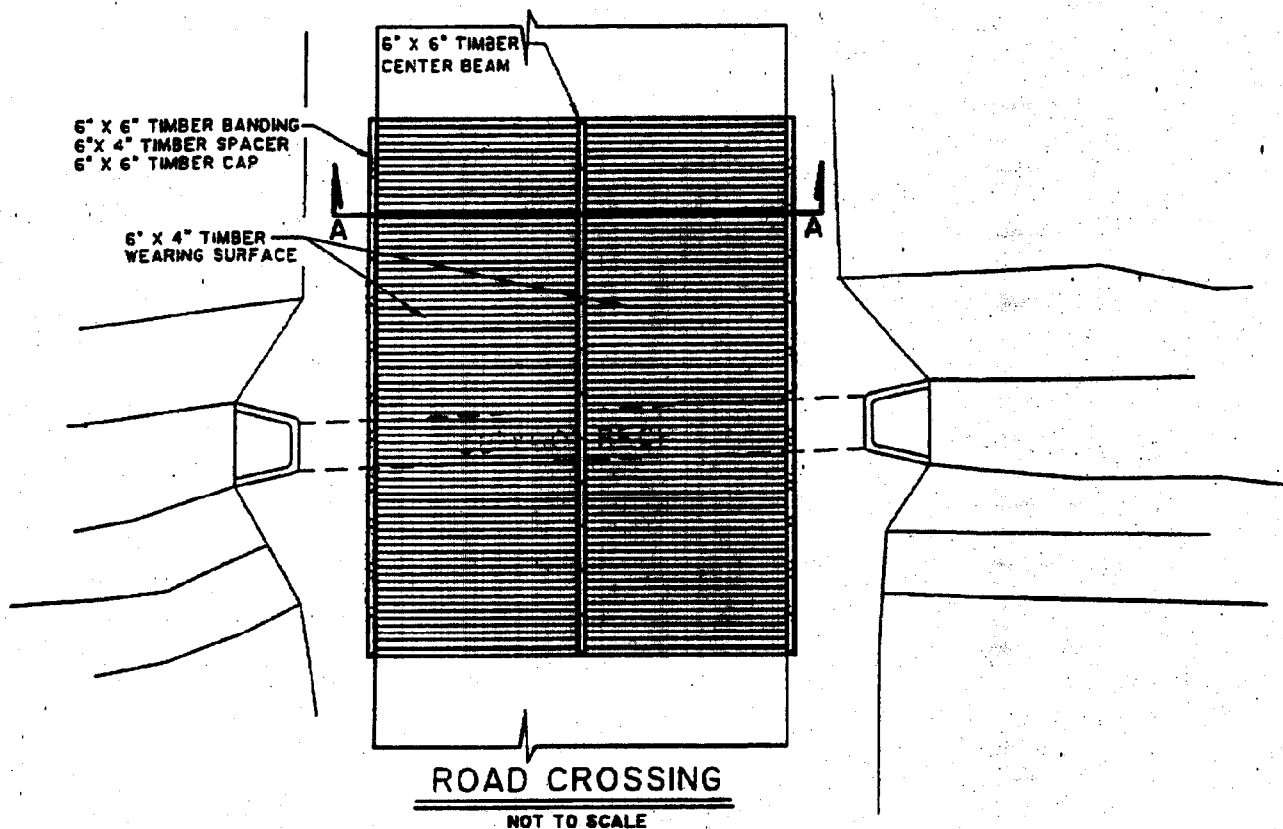
THOMAS & HUTTON ENGINEERING CO.

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CHARLESTON, SC • MYRTLE BEACH, SC



PROJECT: JARVIS CREEK SUBDIVISION

PROPOSED-ACTIVITY RESIDENTIAL DEVELOPMENT

CLIENT: JARVIS CREEK PROPERTY DEVELOPMENT COMPANY

DATE: 9/28/05

LOCATION: HILTON HEAD ISLAND S.C. SCALE: NTS

SHEET: 7 of 7



2005-1W-353-P

THOMAS & HUTTON ENGINEERING CO.

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